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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,329

02/17/2004

Jeff Grady

4185-101-CIP2

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

VO, NGUYEN THANH

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

07/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,329

Applicant(s)

GRADY, JEFF

Examiner

Nguyen Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-11,14-24,27 and 30-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-11,14-24,27 and 30-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/2007 has been entered.

Drawings

2. The drawings were received on 02/12/2007. These drawings are acceptable for the reasons as set forth in the Advisory Action mailed on 03/19/2007.

Specification

3. The amendment filed 4/24/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The newly-added limitation "Further provided are control elements 17A, 17B, of which one control element may be employed for frequency tuning control" contains new matter. **The original specification does not disclose that one of the raised cylindrical knobs (now labeled 17A and 17B) is for frequency tuning control.** In addition, the original specification discloses that the frequency tuning control element is located in the modular docking unit (see original claim 13). Since the raised cylindrical

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knobs (now labeled 17A and 17B) are located outside of the modular docking unit (see figure 1), they are clearly not for the frequency tuning control.

Applicant is required to cancel the new matter in the reply to this Office Action.

Examiner's Note

4. The limitations in claims 1, 3-6, 8-11, 14-24, 27 and 29-68 are not supported by the parent applications 10/615,108 and 10/197,367. Therefore, the effective filing date of the present invention is February 17th, 2004.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 9-11, 14-18, 22-24, 27, 30-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell (US 2004/0224638 A1, cited by applicant) in view of Honma (Re. 33,497, cited by examiner).

As to claim 1, Fadell discloses an audio player assembly (see figures 2, 12) comprising (a) an MP3 player (see the MP3 player at paragraph [0043]); and (b) an audio player unit comprising at least one speaker (see figure 12), an FM receiver operatively coupleable with the speaker (see the FM receiver at paragraph [0100]; see also the speaker in figure 12), and a modular docking unit having a main body portion with a docking cavity therein for docking said MP3 player (see paragraphs [0007], [0074], [0081], [0088], [0091], [0096], [0107]), wherein said audio player unit is

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operatively connected with the MP3 player for receiving an audio signal produced by the MP3 player and for outputting a corresponding audible signal through the at least one speaker (see paragraphs [0007], [0074], [0081], [0088], [0091], [0096], [0107]). Fadell thus discloses all of the claimed limitations except that the modular docking unit further comprises any of a frequency indicator on the main body portion and a frequency tuning control on the main body portion. Honma discloses an audio player assembly having a modular docking unit 2 (see figures 1-3), wherein the modular docking unit comprises any of a frequency indicator 65 on a main body portion and a frequency tuning control 63 on a main body portion (see column 4 lines 54-65; column 6 lines 6-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Honma to Fadell, in order to allow the user to easily visualize which channel the FM receiver is tuned to (as suggested by Honma at column 7 lines 32-35).

As to claim 17, it is rejected for similar reasons as set forth in claim 1 above.

As to claims 3, 18, see Fadell, figures 4A-4B, 7E, 12-13.

As to claims 9, 22, 41, 48, see Fadell, paragraph [0074].

As to claims 10, 23, Fadell discloses fire-wire coupling as claimed (see paragraph [0004]).

As to claims 11, 24, 38, 49, Fadell fails to disclose an amplifier coupled with the speaker for outputting the amplified audio signal through the speaker as claimed. The examiner, however, takes Official Notice that using an amplifier to amplify an audio signal is known in the art for the purpose of improving the quality of audio signals at the

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speaker. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the conventional audio amplifier in Fadell, in order to improve the quality of audio signals at the speaker.

As to claims 14, 27, see Fadell, figures 4A, 4B, 12.

As to claims 15, 30, 39, 50, see Fadell, paragraph [0043].

As to claims 16, 31, see Fadell, paragraph [0058].

As to claims 32, 42, the combination of Fadell and Honma discloses a frequency indicator 34 (see Honma, figure 1).

As to claims 33, 43, the combination of Fadell and Honma discloses a frequency tuning control 63 (see Honma, figure 1).

As to claims 34, 44, the combination of Fadell and Honma discloses a frequency indicator 34 (see Honma, figure 1), but fails to disclose that the frequency indicator 34 is a digital frequency display as claimed. The examiner, however, takes Official Notice that a digital frequency display is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the conventional digital frequency display in Fadell, in order to correctly and quickly display the operating frequency of the FM receiver.

As to claims 35, 45, Fadell discloses a plurality of speakers as claimed (see figure 12).

As to claims 36, 46, Fadell discloses a battery 224 as claimed (see figure 5; paragraph [0074]).

As to claims 37, 47, Fadell discloses AC interface element as claimed (see figure 5; paragraph [0060]).

As to claims 40, 51, Fadell discloses USB coupling as claimed (see paragraphs [0004], [0074]).

7. Claims 4-5, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell (US 2004/0224638 A1, cited by applicant) in view of Honma and further in view of Shealtiel (US 2002/0106993, cited by examiner).

As to claims 4-5, 19-20, the combination of Fadell and Honma fails to disclose that the docking unit comprises at least one indicator light indicative of the operational state of the unit as claimed. Shealtiel discloses a docking unit 312 (see figures 6-7) comprising at least one indicator light indicative of the operational state of the unit (see paragraph [0076]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Shealtiel to the above combination, in order to allow the user to visualize the operational state of the unit (as suggested by Shealtiel at paragraph [0076]).

8. Claims 6, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Honma and Shealtiel as applied to claims 4 and 19 above, and further in view of Dimenstein (US 2002/0086703, cited by examiner).

As to claims 6, 21, the combination of Fadell and Honma and Shealtiel fails to disclose that the indicator light indicates the charging status of a battery in the MP3 player docked in the docking cavity of the docking unit as claimed. Dimenstein discloses an indicator light 118 indicating the charging status of a battery in a

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communication device 109 docked in the docking cavity of a docking unit 100 (see paragraph [0035]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Dimenstein to the combination, in order to allow the user to visualize the charging state of the battery (as suggested by Dimenstein at paragraph [0035]).

9. Claims 52-60, 62-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell (US 2004/0224638 A1, cited by applicant) in view of Qureshey (US 2002/0002039 A1, cited by examiner) and Berstis (US 6,212,327 B1, cited by examiner).

As to claim 52, Fadell discloses an audio player (see figure 12; see also the boom box at paragraph [0058]) adapted for use with a portable digital media player having a storage medium adapted to receive and store digital media files (see the MP3 player at paragraph [0043]), the audio player comprising a main body portion having a docking cavity adapted to receive said portable digital media player (see figure 12), wherein the docking cavity includes therein an electrical coupling element adapted to engage the portable digital media player when the portable digital media player is received by the docking cavity (see paragraphs [0007], [0074], [0081], [0088], [0091], [0096], [0107]); an FM receiver (see paragraph [0100]); and at least one speaker 376 (see figure 12) associated with the main body portion and selectively operable with (1) the FM receiver, and (2) the portable digital media player when received by the docking cavity, to output audible signals (see paragraphs [0007], [0074], [0081], [0088], [0091], [0096], [0107]). Fadell thus discloses all the claimed limitations except that the main

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body portion comprises an associated frequency indicator and a frequency tuning control as claimed. Qureshey discloses an audio player having a main body portion comprising a frequency indicator and a frequency tuning control (see figures 13A-13B; paragraphs [0134]-[0137]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Qureshey to Fadell, in order to allow the user to easily visualize which channel the FM receiver is tuned to.

Still as to claim 52, Fadell fails to specifically disclose the FM receiver (see paragraph [0100]) adapted to receive audio-containing radio signals from radio stations as claimed. However, Fadell does disclose at paragraph [0058] that the media devices 154 comprise audio equipments such as **boom boxes**. Such boom boxes often comprise FM radio receiver adapted to receive audio-containing radio signals from radio stations as evidenced by Berstis (see column 1 lines 22-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Berstis to Fadell, in order to provide the audio signal from the radio stations to the user.

As to claim 53, Fadell discloses the MP3 player at paragraph [0043].

As to claim 54, see Fadell, paragraphs [0007], [0074], [0081], [0088], [0091], [0096], [0107].

As to claims 55-57, 60, 64-65, see Fadell, paragraph [0074].

As to claim 58, the combination of Fadell and Qureshey and Berstis discloses the claimed limitations (see Qureshey, figure 18B).

As to claim 59, the combination of Fadell and Qureshey and Berstis discloses the claimed limitations (see Qureshey, figures 13A-13B, paragraphs [0134]-[0137]).

As to claim 62, see Fadell, paragraphs [0060], [0063], [0095].

As to claim 63, the combination of Fadell and Qureshey and Berstis discloses an amplifier as claimed (see Qureshey, paragraph [0137]).

As to claim 66, Fadell discloses a plurality of speakers 376 (see figure 12).

As to claim 67, Fadell discloses a boom box as claimed (see paragraph [0058]).

As to claim 68, it is rejected for similar reasons as set forth in claim 52.

10. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fadell in view of Qureshey and Berstis as applied to claim 52 above, and further in view of Dimenstein (US 2002/0086703, cited by examiner).

As to claim 61, the combination of Fadell and Qureshey and Berstis fails to disclose that the indicator light indicates the charging status of a battery in the MP3 player docked in the docking cavity of the docking unit as claimed. Dimenstein discloses an indicator light 118 indicating the charging status of a battery in a communication device 109 docked in the docking cavity of a docking unit 100 (see paragraph [0035]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the above teaching of Dimenstein to the above combination, in order to allow the user to visualize the charging state of the battery (as suggested by Dimenstein at paragraph [0035]).

Response to Arguments

11. Applicant's arguments with respect to claims 1, 3-6, 9-11, 14-24, 27, 30-68 have been considered but are moot in view of the new ground(s) of rejection.

In response to "Second Declaration of Jeff Grady in Support of U.S. Patent Application No. 10/780,329":

Applicant argues that the amendment to the specification filed 4/24/2007 which includes the newly-added limitation "Further provided are control elements 17A, 17B, of which one control element may be employed for frequency tuning control" does not contain new matter, because (i) the frequency tuning control does not have to be included in the modular unit (the specification states "such modular unit **may** comprises ... frequency tuning control and/or frequency indicator, etc."), and (ii) the only control elements expressly described in the written disclosure related to frequency tuning control.

The examiner agrees with applicant that the frequency tuning control does not have to be included in the modular unit. However, the examiner takes position that one of the control elements 17A and 17B does not have to be the frequency tuning control as alleged by applicant for the following reasons.

The specification on page 4 discloses that:

"Such modular docking unit may comprise various functional elements, **including but not limited** (a) means for retaining the MP3 player in position in the docking cavity; (2) coupling means for connection with an audio out port of the MP3 player, for receiving the audio signal therefrom; (3) amplifier for amplifying the received audio signal before such signal is outputted by the speaker; (4) power/charging circuitry for charging the MP3 player docked therein; (5) indicator lights for indicating the operational state of such unit (e.g., "charged" indicating that the unit is charging the battery of an MP3 player docketed therein); (6) frequency tuning control and/or frequency indicator, **etc.**" (emphasis added by examiner).

Therefore, the specification clearly states that other control elements may be used beside the frequency tuning control. In addition, applicant also admits that other control elements such as volume control could be used. See page 4 of applicant's Declaration which states that "I further contemplated that the two raised cylindrical knobs disclosed in the figures were control elements, with one being used for frequency tuning control and the other used for volume control".

Since volume control could also be used, the two raised cylindrical knobs may be used for volume control purpose, wherein a first knob is used for controlling volume of the right speaker, and a second knob for the left speaker. **For that reason, one of the control elements 17A and 17B does not have to be the frequency tuning control as alleged by applicant.**

For the foregoing reasons, the examiner contends that the amendment to the specification filed 4/24/2007 which includes the newly-added limitation "Further provided are control elements 17A, 17B, of which one control element may be employed for frequency tuning control" contains new matter.

In response to "Section III (Remarks) filed on 4/24/2007:

In response to applicant's arguments regarding the amendment to the specification filed on 4/24/2007 which includes the newly-added limitation "Further provided are control elements 17A, 17B, of which one control element may be employed for frequency tuning control", the examiner's comments as set forth above is herein incorporated.

In response to amended claims 52-60 which includes new limitation "adapted to receive audio-containing radio signals from radio stations" in claim 52, applicant's attention is directed to the rejections to claims 52-60 above as to why the amended claims are not allowable over the prior art of record.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nguyen Vo
Primary Examiner
Art Unit 2618



7-8-2007